

**45-DAY EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CORRECTIONS STANDARDS AUTHORITY**

**REGARDING PROPOSED CHANGES TO
MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF LOCAL DETENTION
FACILITIES
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART I, Chapter 13, Section 13-102
and PART II, Chapter 12, Section 1231.**

(The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific. (PART 1 – ADMINISTRATIVE CODE)

LEGEND FOR EXPRESS TERMS

1. Existing California amendments or code language being modified: All such language appears in *italics*, modified language is underlined.
2. Repealed text: All such language appears in ~~strikeout~~.

EXPRESS TERMS

Part I

Section: 13-102

13-102 (a) DEFINITIONS.

The following definitions shall apply:

ADMINISTERING MEDICATION, as it relates to managing legally obtained drugs, means the act by which a single dose of medication is given to a patient. The single dose of medication may be taken either from stock (undispensed) or dispensed supplies.

ADMINISTRATIVE SEGREGATION means the physical separation of different types of inmates from each other as specified in Penal Code Sections 4001 and 4002, and Section 1053 of Title 15, C.C.R. Administrative segregation is accomplished to provide that level of control and security necessary for good management and the protection of staff and inmates.

ALTERNATE MEANS OF COMPLIANCE means a process for meeting or exceeding standards in an innovative way, after a pilot project evaluation, approved by the ~~Board~~ Corrections Standards Authority pursuant to an application.

AVERAGE DAILY POPULATION means the average number of inmates housed daily during the last fiscal year.

~~BOARD~~ CORRECTIONS STANDARDS AUTHORITY means the State Corrections Standards Authority, which acts by and through its executive director, deputy directors, and field representatives.

CONTACT means communications, whether verbal or visual, or immediate physical presence. any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders.

COURT HOLDING FACILITY means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

CUSTODIAL PERSONNEL means those officers with the rank of deputy, correctional officer, patrol persons or other equivalent sworn or civilian rank whose primary duties are the supervision of inmates.

DELIVERING MEDICATION, as it relates to managing legally obtained drugs, means the act of providing one or more doses of a prescribed and dispensed medication to a patient.

DEVELOPMENTALLY DISABLED means those persons who have a disability which originates before an individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.

DIRECT VISUAL OBSERVATION means direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.

DISCIPLINARY ISOLATION means that punishment status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit separate from regular jail inmates.

DISPENSING, as it relates to managing legally obtained drugs, means the interpretation of the prescription order, the preparation, repackaging and labeling of the drug based upon a prescription from a physician, dentist or other prescriber authorized by law.

DISPOSAL, as it relates to managing legally obtained drugs, means the destruction of medication or its return to the manufacturer or supplier.

EMERGENCY means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike or other emergent condition.

EMERGENCY MEDICAL SITUATIONS means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.

EXERCISE means activity that requires physical exertion of the large muscle group.

FACILITY/SYSTEM ADMINISTRATOR means the sheriff, chief of police, chief probation officer or other official charged by law with the administration of a local detention facility/system.

FACILITY MANAGER means the jail commander, camp superintendent or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

HEALTH AUTHORITY means that individual or agency that is designated with responsibility for health care policy pursuant to a written agreement, contract or job description. The health authority may be a physician, an individual or a health agency. In those instances where medical and mental health services are provided by separate entities, decisions regarding mental health services shall be made in cooperation with the mental health director. When this authority is other than a physician, final clinical decisions rest with a single designated responsible physician.

HEALTH CARE means medical, mental health and dental services.

~~INMATE WORKER, as used in Articles 8 and 9, means an adult in a jail or lockup assigned to perform designated tasks outside of his/her cell or dormitory, for any length of time.~~

JAIL, as used in Article 8, means a Type II or III facility as defined in the Minimum Standards for Local Detention Facilities.

LABELING, as it relates to managing legally obtained drugs, means the act of preparing and affixing an appropriate label to a medication container.

LAW ENFORCEMENT FACILITY means a building that contains a Type I Jail, ~~or Temporary Holding Facility or Lockup~~. It does not include a Type II or III jail, which has the purpose of detaining adults, charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

LEGEND DRUGS are any drugs defined as dangerous drugs under Chapter 9, Division 2, Section 4211 of the *California Business and Professions Code*. These drugs bear the legend, Caution Federal Law Prohibits Dispensing Without a Prescription. The Food and Drug Administration (FDA) has determined, because of toxicity or other potentially harmful effects, that these drugs are not safe for use except under the supervision of a health care practitioner licensed by law to prescribe legend drugs.

LICENSED HEALTH PERSONNEL includes, but is not limited to, the following classifications of personnel: physician/psychiatrist, dentist, pharmacist, physician's assistant, registered nurse/nurse practitioner/public health nurse, licensed vocational nurse and psychiatric technician.

LIVING AREAS means those areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include special use cells such as sobering, safety, and holding or staging cells normally located in receiving areas.

LOCAL DETENTION FACILITY means any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.

LOCAL DETENTION SYSTEM means all of the local detention facilities that are under the jurisdiction of a city, county or combination thereof, whether publicly or privately operated. Nothing in the standards are to be construed as creating enabling language to broaden or restrict privatization of local detention facilities beyond that which is contained in other statute.

LOCAL HEALTH OFFICER means that licensed physician who is appointed pursuant to Health and Safety Code Section 101000 to carry out duly authorized orders and statutes related to public health within their jurisdiction.

LOCKUP means a locked room or secure enclosure under the control of a peace officer or custodial officer that is primarily used for the temporary confinement of adults who have recently been arrested; sentenced prisoners who are inmate workers may reside in the facility to carry out appropriate work.

MANAGERIAL CUSTODIAL PERSONNEL means the jail commander, camp superintendent or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

MENTAL HEALTH DIRECTOR means that individual who is designated by contract, written agreement or job description, to have administrative responsibility for the facility or system mental health program.

NONSECURE CUSTODY means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and

- (1) the minor is under constant and direct visual observation by the staff;
- (2) the minor is not locked in a room or enclosure; and,
- (3) the minor is not physically secured to a cuffing rail or other stationary object.

NONSENTENCED inmate means an inmate with any pending local charges or one who is being held solely for charges pending in another jurisdiction.

OVER-THE-COUNTER (OTC) DRUGS, as it relates to managing legally obtained drugs, are medications which do not require a prescription (non-legend).

PEOPLE WITH DISABILITIES includes, but is not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.

PILOT PROJECT means an initial short-term method to test or apply an innovation or concept related to the operation, management or design of a local detention facility pursuant to application to, and approval by, the Beard Corrections Standards Authority.

PROCUREMENT, as it relates to managing legally obtained drugs, means the system for ordering and obtaining medications for facility stock.

PSYCHOTROPIC MEDICATION means any medication prescribed for the treatment of symptoms of psychoses and other mental and emotional disorders.

RATED CAPACITY means the number of inmate occupants for which a facility's single and double occupancy cells, or dormitories, except those dedicated for health care or disciplinary isolation housing, were planned and designed in conformity to the standards and requirements contained herein and in Title 15, C.C.R.

REGIONAL CENTER FOR DEVELOPMENTALLY DISABLED means those private agencies throughout the state, funded through the Department of Developmental Services which assure provision of services to persons with developmental disabilities. Such centers will be referred to as regional centers in these regulations.

REMODEL means to alter the facility structure by adding, deleting, or moving any of the building's components thereby affecting any of the spaces specified in Title 24, Section 470A.

REPACKAGING, as it relates to managing legally obtained drugs, means the transferring of medications from the original manufacturer's container to another properly labeled container.

REPAIR means to restore to original condition or replace with like-in-kind.

SAFETY CHECKS means regular, intermittent and prescribed direct, visual observation to provide for the health and welfare of inmates.

SECURE DETENTION means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or physically secured to a cuffing rail or other stationary object.

SECURITY GLAZING means a glass/polycarbonate composite glazing material designed for use in detention facility doors and windows and intended to withstand measurable, complex loads from deliberate and sustained attacks in a detention environment.

SENTENCED INMATE means an inmate that is sentenced on all local charges.

SHALL is mandatory; may is permissive.

SOBERING CELL, as referenced in Section 1056, refers to an initial sobering up place for arrestees who are sufficiently intoxicated from any substance to require a protected environment to prevent injury by falling or victimization by other inmates.

STORAGE, as it relates to legally obtained drugs, means the controlled physical environment used for the safekeeping and accounting of medications.

SUPERVISION IN A LAW ENFORCEMENT FACILITY means that a minor is being directly observed by the responsible individual in the facility to the extent that immediate intervention or other required actions is possible.

SUPERVISORY CUSTODIAL PERSONNEL means those staff members whose duties include direct supervision of custodial personnel.

TEMPORARY CUSTODY means that the minor is not at liberty to leave the law enforcement facility.

TEMPORARY HOLDING FACILITY means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility or appearance in court.

TYPE I FACILITY means a local detention facility used for the detention of persons for not more than 96 hours, excluding holidays, after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five-day scheduled work week.

TYPE II FACILITY means a local detention facility used for the detention of persons pending arraignment, during trial and upon a sentence of commitment.

TYPE III FACILITY means a local detention facility used only for the detention of convicted and sentenced persons.

TYPE IV FACILITY means a local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code Section 1208 for work/education furlough and/or other programs involving inmate access into the community.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

13-102 (b) EXCLUSIONS.

Title 24 of the California Code of Regulations, Sections 13-102 and 470A which pertain to planning and design of detention facilities shall be applicable to facilities for which architectural drawings have been submitted to the State ~~Board~~Corrections Standards Authority for review. These requirements shall not be applicable to facilities which were constructed in conformance with the standards of the ~~Board~~Corrections Standards Authority in effect at the time of initial architectural planning. When any facility, designed and constructed under earlier standards, can comply with a more recently adopted requirement, the least restrictive regulation shall apply.

If, in the course of inspection of local detention facilities, the ~~Board~~Corrections Standards Authority determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the ~~Board~~Corrections Standards Authority for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the specific building areas which need to be remodeled and/or constructed, a definite time period over which the proposed modifications are planned, and a cost estimate including a description of the method of financing.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

13-102 (c) INITIAL PLANNING FOR A LOCAL DETENTION FACILITY.

13-102 (c) 1. Letter of Intent.

A city, county, city and county, or any combination thereof which has an intent to build or remodel any local detention facility shall immediately file a letter of intent with the ~~Board~~Corrections Standards Authority.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

13-102 (c) 2. Needs Assessment Study.

Any city, county, city and county, or region intending to construct a new Type I, II, III or IV facility or add 25 or more beds to an existing facility shall complete a needs assessment study. One copy of the needs assessment study shall be submitted to the ~~Board~~Corrections Standards Authority prior to contracting for plans and specifications.

The needs assessment shall include, but not be limited to, a description of:

- A. The elements of the system;
- B. The department's operational and design philosophy;

- C. The current inmate population;
- D. The classification system;
- E. Program needs, including planned academic program including special education program and an analysis of performance in using programs which can reduce secure facility requirements;
- F. An analysis of the local trends and characteristics which influence planning assumptions about future corrections' systems change, including population projections, current and projected inmate populations, and program costs based on continuation of current policies and projections of alternative policies or programs on inmate population growth and program costs;
- G. The adequacy of staffing levels;
- H. The ability to provide visual supervision;
- I. The adequacy of record keeping;
- J. A history of the systems compliance with standards; and,
- K. Any unresolved issues.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

13-102 (c) 3. Operational Program Statement.

Unless the construction or remodeling is of a minor nature, not affecting the capacity or flow of the facility, an operational program statement shall be developed by the facility administrator and submitted to the ~~Board~~ Corrections Standards Authority for the purpose of providing the basis upon which architectural plans are drawn. The operational program statement must be submitted with the schematic architectural plans required by Section 13-102 (c) 5 of these regulations and must include a description of the following:

- A. Intended capacity of facility.
- B. Security and classification of inmates to be housed.
- C. Inmate movement within the facility and entry and exit from security areas.
- D. Food preparation and serving.
- E. Staffing.
- F. Booking.
- G. Visiting and attorney interviews.
- H. Exercise.
- I. Programs.
- J. Medical services, including the management of communicable diseases.
- K. Cleaning and/or laundering.
- L. Inmate segregation as specified in Penal Code Sections 4001 and 4002 and Article 5 of Title 15, C.C.R.
- M. Court holding and inmate movement.
- N. Mental health services.
- O. Facilities for jail administration and operations staff.
- P. Staff to staff communications system.
- Q. Management of disruptive inmates.
- R. Management and placement of persons with disabilities, with provisions for wheelchairs, gurney access and for evacuation during emergencies.
- S. Architectural treatment of space relative to preventing suicides by inmate.
- T. Method of implementing Penal Code Section 4030 relating to the holding of misdemeanor arrestees.
- U. Intended type of facility.
- V. Sobering cell(s) as referenced by Title 15, Section 1056, with the ability to segregate.
- W. Safety cell(s) as referenced by Title 15, Section 1055.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

13-102 (c) 4. Type III and Type IV Facilities in Existing Buildings.

Wherever a city, county or combination thereof, intends to establish a Type III or Type IV facility in an existing building or buildings, notice shall be given to the ~~Board of Corrections~~ Corrections Standards Authority whose staff shall complete a survey to determine capacity of such buildings and shall make recommendations for necessary modifications. The proposing local government shall secure the appropriate clearance from the health authority, building official, and State Fire Marshal.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

13-102 (c) 5. Submittal of Plans and Specifications.

All plans and specifications submitted to the ~~Board of Corrections~~ Corrections Standards Authority in compliance with Penal Code Section 6029 shall be in duplicate at the schematic design phase, at the design development phase and when the construction document drawings and specifications are developed. ~~A copy of the plans will be forwarded by the Board of the State Fire Marshal for review. Board of Corrections~~ Corrections Standards Authority staff shall respond in writing indicating compliance or non-compliance with these regulations.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

13-102 (c) 6. Design Requirements.

- A. The design of a local detention facility shall comply with provisions of California Code of Regulations, Title 24, Part 2, Section 470A.
- B. The design of a Type I, Type II, Type III, or Type IV facility, shall provide the following:
 - (1) Fire safety. The provisions of Title 19 and Title 24, Part 2 as they relate to detention facilities shall be incorporated into the facility design.
 - (2) Suicide Hazards. Architectural plans shall be reviewed by the ~~Board~~ CSA for the purpose of reducing hazards posed by fixtures and equipment which could be used for an act of suicide by an inmate. The facility design shall avoid any surfaces, edges, fixtures or fittings that can provide an attachment for self-inflicted injury. The following features shall be incorporated in the design of temporary holding cells, temporary staging cells and any other area where an inmate may be left alone:
 - a. plumbing shall not be exposed. Operation of control valves shall use flush buttons or similar. The drinking fountain bubbler shall be without curved projections;
 - b. towel holders shall be ball-in-socket or indented clasp, not pull-down hooks or bars;
 - c. supply and return grilles shall have openings no greater than 3/16 inch or have 16-mesh per square inch;
 - d. beds, desk surfaces and shelves shall have no sharp edges and be configured to prevent attachment;
 - e. light fixtures shall be tamper resistant;
 - f. fixtures such as mirrors shall be mounted using tamper-resistant fasteners; and
 - g. fire sprinkler heads inside rooms shall be designed to prevent attachment

- (3) Health and sanitation. Provisions of Subchapter 4, Title 15, California Code of Regulations, and of the ~~California Retail Food Code~~California Uniform Retail Food Facilities Law, as they relate to detention facilities shall be incorporated into the facility design.
- (4) Single and/or double occupancy cells. In any local detention system the number of single and/or double occupancy cells shall be that number, determined by the facility/system administrator in conjunction with the ~~Board of Corrections~~Corrections Standards Authority, necessary to safely manage the population of the facility/system based on a comprehensive needs assessment which accounts for those inmates projected to be:
 - a. administrative segregation cases,
 - b. persons with disabilities,
 - c. custodial problems, and/or
 - d. likely to need individual housing for other specific reasons as determined by the facility/system administration.The total number of single and/or double occupancy cells shall not be less than 10 percent of the system's ~~Board of Corrections~~Corrections Standards Authority rated capacity. The local detention facility/system shall comply with all other design requirements contained in these regulations.
- (5) Staff and inmate safety. Facilities shall be designed and/or equipped in such a manner that staff and inmates have the ability to summon immediate assistance in the event of an incident or an emergency.
- (6) Heating and cooling. Provision shall be made to maintain a ~~comfortable~~ living environment in accordance with the heating, ventilating, and air conditioning requirements of Parts 2 and 4, and the energy conservation requirements of Part 6, Title 24, California Code of Regulations.
- (7) Acoustics. Housing areas shall be designed and constructed so that the average noise level does not exceed 70 decibels during periods of activity and 45 decibels during sleeping hours.
- (8) Living Areas. Living areas shall be separated from the area for reception and booking.
- (9) Spaces for persons with disabilities.
 - a. Housing cell or room. A cell or room for an inmate with a disability using a wheelchair must have an appropriate entry and toilet, wash basin and drinking fountain which the inmate can use without personal assistance.
 - b. Other spaces within the security perimeter such as day rooms and activity areas shall be located such that persons with disabilities will not be excluded from participating in any program for which he or she would otherwise be eligible. Accessible showers for inmates with disabilities shall be available.
 - c. Spaces outside the security perimeter. Public areas of a local detention facility shall comply with the applicable chapters of Title 24, Part 2 of the California Code of Regulations.
- (10) Security. The design should facilitate security and supervision appropriate to the level of inmate custody.
- (11) Glazing. Internal and external facility glazing shall be appropriate to the security level of the detention area or room.
- (12) Hair care space. Space and suitable equipment must be provided in all Type II or Type III facilities for men's haircutting and/or female hairdressing.
- (13) Floor drains shall be provided where operationally and mechanically appropriate.
- ~~(14) Medical/mental health care housing shall be designed in consultation with the health authority. Medical/mental health areas may contain other than single occupancy rooms.~~
- (14) A sewage system design capable of addressing items that could potentially impact waste water systems.

(15) Medical/mental health care housing shall be designed in consultation with the health authority. Medical/mental health areas may contain other than single occupancy rooms.

- C. The design of a Court Holding or Temporary Holding Facility must include and comply with the following subsections of Section 13-102 (c) 6 B: (1), (2), (3), (5), (6), (7), (9), (10) and (13). Court holding facilities shall have separate paths of travel for inmates from those used by the public.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

13-102 (c) 7. Pilot Projects.

The pilot project is the short-term method used by a local detention facility/system, approved by the ~~Board of Corrections~~ Corrections Standards Authority, to evaluate innovative programs, operations or concepts which meet or exceed the intent of these regulations.

The ~~Board of Corrections~~ Corrections Standards Authority may, upon application of a city, county or city and county, grant pilot project status to a program, operational innovation or new concept related to the operation and management of a local detention facility. An application for a pilot project shall include, at a minimum, the following information:

- A. The regulations which the pilot project will affect.
- B. Review of case law, including any lawsuits brought against the applicant's local detention facility, pertinent to the proposal.
- C. The applicant's history of compliance or non-compliance with standards.
- D. A summary of the "totality of conditions" in the facility or facilities, including but limited to:
 - (1) Program activities, exercise and recreation;
 - (2) Adequacy of supervision;
 - (3) Types of inmates affected; and,
 - (4) Inmate classification procedures.
- E. A statement of the goals the pilot project is intended to achieve, the reasons a pilot project is necessary and why the particular approach was selected.
- F. The projected costs of the pilot project and projected cost savings to the city, county, city and county, if any.
- G. A plan for developing and implementing the pilot project, including a time line where appropriate.
- H. A statement of how the overall goal of providing safety to staff and inmates will be achieved.

The ~~Board of Corrections~~ Corrections Standards Authority shall consider applications for pilot projects based on the relevance and appropriateness of the proposed project, the completeness of the information provided in the application, and staff recommendations.

Within 10 working days of receipt of the application, ~~Board~~ CSA staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the ~~Board of Corrections~~ Corrections Standards Authority members from requesting additional information necessary to make a determination that the pilot project proposed actually meets or exceeds the intent of the regulations at the time of the hearing. When complete, the application will be placed on the agenda for the Board's consideration at a regularly scheduled meeting. The written notification from the ~~Board~~ CSA to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The CSA Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for a pilot project is approved by the Corrections Standard Authority, the CSA Board shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for the pilot project. Regular progress reports and evaluative data on the success of the pilot project in meeting its goals shall be provided to the CSA Board. If disapproved, the applicant shall be notified in writing, within 10 working days of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

Pilot project status granted by the ~~Board of Corrections~~ Corrections Standards Authority shall not exceed twelve months after its approval date. When deemed to be in the best interest of the application, the ~~Board of Corrections~~ Corrections Standards Authority may extend the expiration date for up to an additional twelve months. Once a city, county, or city and county successfully completes the pilot project evaluation period and desires to continue with the program, it may apply for an alternate means of compliance as described in Section 13-102(c)8 of these regulations.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

13-102 (c) 8. Alternate Means of Compliance.

The alternate means of compliance is the long-term method used by a local detention facility/system, approved by the ~~Board~~ Corrections Standards Authority, to encourage responsible innovation and creativity in the operation of California's local detention facilities. The ~~Board~~ Corrections Standards Authority may, upon application of a city, county, or city and county, consider alternate means of compliance with these regulations after the pilot project process has been successfully evaluated [as defined in Section 13-102(c)7]. The city, county, or city and county must present the completed application to the ~~Board~~ Corrections Standards Authority no later than 30 days prior to the expiration of its pilot project.

Applications for alternate means of compliance must meet the spirit and intent of improving jail management, shall be equal to or exceed the existing standard(s) and shall include reporting and evaluation components. An application for alternate means of compliance shall include, at a minimum, the following information:

- A. review of case law, including any lawsuits brought against the applicant local detention facility, pertinent to the proposal.
- B. The applicant's history of compliance or non-compliance with standards.
- C. A summary of the "totality of conditions" in the facility or facilities, including but not limited to:
 - (1) Program activities, exercise and recreation;
 - (2) Adequacy of supervision;
 - (3) Types of inmates affected; and,
 - (4) Inmate classification procedures.
- D. A statement of the problem the alternate means of compliance is intended to solve, how the alternative will contribute to a solution of the problem and why it is considered an effective solution.
- E. The projected costs of the alternative and projected cost savings to the city, county, city and county if any.
- F. A plan for developing and implementing the alternative including a time line where appropriate.
- G. A statement of how the overall goal of providing safety to staff and inmates was achieved during the pilot project evaluation phase [Section 13-102(c)7].

The Corrections Standards Authority shall consider applications for alternative means of compliance based on the relevance and appropriateness of the proposed alternative, the completeness of the information provided in the application, the experiences of the jurisdiction during the pilot project, and staff recommendations.

Within 10 working days of receipt of the application, CSA staff will notify the applicant, in writing, that the application is complete and accepted for filing, or that the application is being returned as deficient and identifying what specific additional information is needed. This does not preclude the Corrections Standards Authority members from requesting additional information necessary to make a determination that the alternate means of compliance proposed meets or exceeds the intent of these regulations at the time of the hearing. When complete, the application will be placed on the agenda for the CSA Board's consideration at a regularly scheduled meeting.

The written notification from the CSA Board to the applicant shall also include the date, time and location of the meeting at which the application will be considered. (The CSA Board meeting schedule for the current calendar year is available through its office in Sacramento.)

When an application for an alternate means of compliance is approved by the Corrections Standards Authority, the CSA Board shall notify the applicant, in writing within 10 working days of the meeting, of any conditions included in the approval and the time period for which the alternate means of compliance shall be permitted. The Corrections Standards Authority may require regular progress reports and evaluative data as to the success of the alternate means of compliance. If disapproved, the applicant shall be notified in writing, with 10 working day of the meeting, the reasons for said disapproval. This application approval process may take up to 90 days from the date of receipt of a complete application.

The Corrections Standards Authority may revise the minimum jail standards during the next biennial review (reference Penal Code Section 6030) based on data and information obtained during the alternate means of compliance process. If, however, the alternate means of compliance does not have universal application, a city, county, city and county may continue to operate under this status as long as they meet the terms of this regulation.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

Part II

Section 1231

1231.1 DEFINITIONS.

~~BOARD OF CORRECTIONS~~ CORRECTIONS STANDARDS AUTHORITY means the State ~~Board of Corrections~~ Corrections Standards Authority, which ~~board~~ acts by and through its executive officer, deputy director and field representatives.

LIVING AREAS means those areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include special-use cells such as sobering, safety and holding or staging cells normally located in receiving areas.

LOCAL DETENTION FACILITY ~~is~~ means any city, county, city and county, or regional jail, camp, court holding facility or other correctional facility, whether publicly or privately operated, used for the confinement of adults or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors. The types of local detention facilities are as follows:

COURT HOLDING FACILITY means a local detention facility constructed within a court building after January 1, 1978, used for the confinement of persons solely for the purpose of a court appearance for a period not to exceed 12 hours.

TEMPORARY HOLDING FACILITY means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility or appearance in court.

TYPE I FACILITY means a local detention facility used for the detention of persons for not more than 96 hours, excluding holidays, after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his or her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day scheduled work week.

TYPE II FACILITY means a local detention facility used for the detention of persons pending arraignment, after arraignment, during trial and upon a sentence of commitment.

TYPE III FACILITY means a local detention facility used only for the detention of convicted and sentenced persons.

TYPE IV FACILITY means a local detention facility or portion thereof designated for the housing of inmates eligible, under Penal Code Section 1208, for work/education furlough and/or other programs involving inmate access into the community.

RATED CAPACITY means the number of inmate occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for health care or disciplinary isolation housing, were planned and designed in conformity to the standards and requirements contained herein and in Title 15, CCR.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1231.2.5 Safety Cell.

A safety cell shall:

1. Contain a minimum of 48 square feet of floor area with no one floor dimension being less than 6 feet and a clear ceiling height of 8 or more feet;
2. Be limited to one inmate;
3. Contain a flushing ring toilet, capable of accepting solid waste, mounted flush with the floor, the controls for which must be located outside of the cell;
4. Be padded as specified in Section 470A.3;
5. Be equipped with a variable intensity, security-type lighting fixture which is inaccessible to the inmate occupant, control of which is located outside of the cell; ~~and~~
6. Provide one or more vertical view panels not more than 4 inches wide nor less than 24 inches long which shall provide a view of the entire room; ~~and~~,
7. Provide a food pass with lockable shutter, no more than 4 inches high, and located between 26 inches and 32 inches as measured from the bottom of the food pass to the floor; and
8. Any wall or ceiling mounted devices must be inaccessible to the inmate occupant.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1231.2.22 Audio Monitoring System.

In court holding, temporary holding, Type I, Type II, and Type III facilities there shall be an inmate- or sound-actuated audio monitoring system in temporary holding cells or rooms, temporary staging cells or rooms, sobering cells, safety cells, single and double occupancy cells, dormitories, dayrooms, exercise areas, and correctional program /multipurpose space, which is capable of alerting personnel ~~stationed in a central control point~~ who can respond immediately.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.

1231.3.12 Weapons Locker.

A secure weapons locker shall be located outside the security perimeter of the facility. ~~such that no officer shall bring into the security area any weapon.~~ Such weapons lockers shall be equipped with individual compartments, each with an individual locker device. Weapons lockers are required for temporary and court holding facilities and in all facilities of higher than minimum security.

EXCEPTION: The design of court holding and temporary holding facilities shall include the design criteria for furnishings and equipment from Section 1231.3.1, 1231.3.2, 1231.3.3, 1231.3.6, 1231.3.10, and 1231.3.12.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Section 6030, Penal Code.